

CIV 21 0071 HE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

Jonathan Arbol Claudio

(Enter the full name of the plaintiff.)

FEB 01 2021

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY mt DEPUTY

v.

Case No. 20-1216-CLP
(Court Clerk will insert case number)

(1) TOM BATES
(2) SCOTT CROW
(3) J. Kevin STITT

(4) Jason Bryant
(5) Warden Bowen (LCRF)
(6) MARK KNUTSON

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

Defendants

- 1.) Tom Bates Executive for Pardon and Parole
- 2.) Warden Bowen
- 3.) Scott Crow (Director of DOC)
- 4.) J. Kevin Stitt (Governor)
- 5.) Jason Bryant (Classification and population director)
PO Box 260 Lexington, OK 73051
- 6.) Mark Knutson

IN THE DISTRICT COURT OF Western
STATE OF OKLAHOMA

Jonathan Anibal Claudio
Plaintiff,

v. Scott Crow
Mark Krutson
J. Kevin Stritt
PO Box 11400
OKla City, OK. 73136
Defendant.

Case No. _____

SUMMONS

To the above-named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with cost of the action.

Issued this _____ day of _____ 201__.

By _____
Deputy Court Clerk

(Seal)

Pro-Se
Attorney(s) for plaintiff(s):
Name Jonathan Anibal Claudio
Address 8607 SE Flowermount RD.
Lawton, OK. 73501

Telephone number _____

This summons was served on _____
(Date of Service)

Signature of person serving summons

YOU MAY SEEK THE ADVICE OF ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

[Pg. 3 of 31]

IN THE DISTRICT COURT OF

western

STATE OF OKLAHOMA

Jonathan Anibal Claudio

Plaintiff,

v.

Jason Bryant

Defendant.

Case No. _____

PO Box 280

Lexington, Ok. 73501
(405) 527-3950

SUMMONS

To the above named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with cost of the action.

Issued this _____ day of _____ 201__.

By _____

Deputy Court Clerk

(Seal)

PRO-SE
Attorney(s) for plaintiff(s):

Name Jonathan Anibal Claudio

Address 8607 SE Flower mound RD.
Lawton, Ok. 73501

Telephone number (405) 600-7328

This summons was served on _____

(Date of Service)

Signature of person serving summons

YOU MAY SEEK THE ADVICE OF ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

[Pg. 4 of 31]

IN THE DISTRICT COURT OF
Western
STATE OF OKLAHOMA

Jonathan Arbal Claudio
Plaintiff,

v.

Warden Bowen
8607 SE Flowermount RD.
Lawton, OK. 73501
Defendant.

Case No. _____

SUMMONS

To the above -named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with cost of the action.

Issued this _____ day of _____ 201__.

By _____
Deputy Court Clerk

(Seal)

Pro-se

Attorney(s) for plaintiff(s):

Name Jonathan Arbal Claudio
Address 8607 SE Flowermount RD.
Lawton, OK. 73501

Telephone number 918-600-7328

This summons was served on _____
(Date of Service)

Signature of person serving summons

YOU MAY SEEK THE ADVICE OF ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

[Pg. 5 of 31]

IN THE DISTRICT COURT OF

Western

STATE OF OKLAHOMA

Nathan Ambal Claudio

Plaintiff,

v.

Tom Bates

Defendant.

Case No. _____

3400 N. Martin Luther King Ave.
Okla City, OK. 73111

SUMMONS

To the above-named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the petition within the time stated, judgment will be rendered against you with cost of the action.

Issued this _____ day of _____ 201____.

By, _____
Deputy Court Clerk

(Seal)

Pro-se

Attorney(s) for plaintiff(s):

Name Nathan Ambal Claudio

Address 8007 E Flowerman RD.
Lawton, OK 73501

Telephone number 918-600-7308

This summons was served on _____
(Date of Service)

Signature of person serving summons

YOU MAY SEEK THE ADVICE OF ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

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- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
 - You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
 - These deductions will be made until the entire \$350 filing fee is paid, regardless of how the court decides your case.
7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.
8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

☒ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

☐ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list below: _____

42 U.S.C. § 1985

42 U.S.C. § 1986

Da. T

II. State whether you are a:

- ☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☐ Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

c. Approximate date of filing: _____

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): _____

f. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Jonathan Anibal Claudio

Address: 8607 SE Flowermount Road

Inmate No.: 825912

2. Defendant No. 1

Name and official position: Tom Bates (Executive for Pardon and Parole)

Place of employment and/or residence: _____

How is this person sued? ☒ official capacity, ☐ individual capacity, ☒ both

3. Defendant No. 2

Name and official position: Jason Bryant

Place of employment and/or residence: PO Box 200
Lexington OK. 73501

How is this person sued? ☒ official capacity, ☒ individual capacity, ☒ both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*

- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

(1) List the right that you believe was violated:

Due process, False Incarceration,
Deliberate Indifference to safety

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Tom Bates, Scott Crow, J. Kevin Smith,
Jason Bryant, Warden Bowen (LCRA)
Mark Knutson.

(3) List the supporting facts:

I am being denied parole for a warrant and reasons that don't meet DOC's policies and denied "Due Process"

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

- ① To be released on Parole
- ② Monetary relief in the amount of \$100,000.00 for lost wages

2. Claim II:

(1) List the right that you believe was violated:

I am being denied access to minimum custody status for a warrant and reasons that don't meet DOC's policies

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Tom Bates, Scott Crow, J. Kevin Stitt, Jason Bryant, Warden Bowen (CRF) Mark Knutson

(3) List the supporting facts:

See attached documents in
support of this action

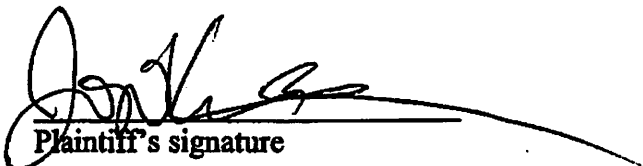
(4) Relief requested: (State briefly exactly what you want the court to do for you.)

transferred to lower custody/work
center and/or released on parole as
well as \$100,000.00 for lost wages and
exposure to COVID-19.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

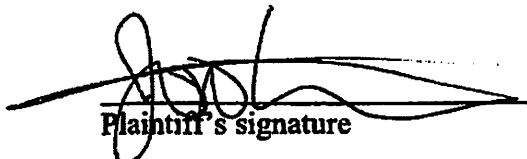
VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.


Plaintiff's signature

11-24-2020
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 24 day of November, 2020.


Plaintiff's signature

11-24-2020
Date

"CAUSE OF ACTION"

On or about 1-3-2019 I signed a plea agreement in the Tulsa County District Courthouse. The term imposed was, and is, 7 years non violent. My parole date was appropriately set for September of 2020. I ~~appealed~~ the plea agreement through habeas corpus. ~~and~~ An evidentiary hearing was held and the plea agreement was ruled to be upheld by the District Judge. I am now being denied parole by the Parole investigator for reasons I can only see as retaliatory for litigation. see *Shabazz v. Askins*, 980 F.2d 1333 (10th Cir. 1992) and *Stephens v. Thomas*, 19 F.3d 498, 501 (10th Cir. 1994). I have exhausted all administrative remedies. I have also personally contacted the county the warrant is out of in South Carolina. They do not want to extradite and do not have a hold or detainer on me. This has been confirmed by case records for a long time now. The Parole investigator pushed my parole review off until after my discharge date without regards to DOC policy as well. I am a non-violent offender with zero write ups and 4 custody points. Case number CF-2018-5704 is not aggravated and so I am eligible for parole at 1/4 time. That's the stipulations that were agreed upon with the State of Oklahoma on 1-3-19. It's a violation of due process to not hold up the States side of the deal. I've held up mine despite being coerced into the agreement.

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I am requesting relief in the following manner:

④ I am requesting injunctive relief by releasing me from incarceration to parole/gps monitor immediately.

~~_____~~

⑤ I am requesting Monetary Relief of \$100,000.00 one hundred thousand dollars for lost wages and mental anguish caused by exposure to COVID-19 that was preventable.

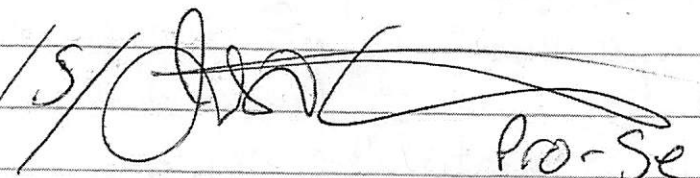
Executed on:
11-25-2020

LCRF 6-P-215

8607 SE Flower Mound RD.
Lawton, OK, 73501

Respectfully,

Jonathan A. Claudio
DOC # 825912

/s/  Pro-Se